

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WISCONSIN SHEET METAL WORKERS  
HEALTH AND BENEFIT FUND, and  
PATRICK LANDGRAF,  
Plaintiff,**

**v.**

**Case No. 12-CV-00300**

**STAR FIRE FIREPLACE INSTALLATION, INC.,  
Defendant.**

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**ORDER**

Civil Local Rule 41(b) (E.D. Wis. 2010) states that

[i]n all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion . . . enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

This case was filed on March 27, 2012. Defendant was served on May 2, 2012, as evidenced by a return of service filed with the court on May 8, 2012. Six months have expired since the filing of the complaint, yet to date defendant has not answered and plaintiffs have not moved for default judgment.

Therefore, plaintiffs are put on notice that the court on its own motion shall dismiss this case without prejudice after twenty days from the date of this order unless within that time plaintiffs take sufficient action to prosecute this case.

Dated at Milwaukee, Wisconsin, this 1st day of April 2013.

s/ Lynn Adelman  
LYNN ADELMAN  
District Judge